

REMARKS/ARGUMENTS

Claims 1-14 are pending in the application.

Applicant respectfully traverses the restriction requirement as inappropriate for the reasons set forth below. In addition, Applicant asserts that there would be no undue burden in examining these alleged two sets of claims, as the Examiner has defined. The fees for examination of these claims had been remitted in the filing of the national application. Furthermore, the Office Action dated December 17, 2007 had examined on the merits, those claims 1-14; a response and amendment was made on March 17, 2008. It is worth noting, that Applicant had responded on September 28, 2007 to a Restriction Requirement, dated September 24, 2008 whereby claims 1-14 were elected.

In the present Office Action, an election was required between two groupings of claims based on the assertion that these groupings are each directed to different inventive concepts under PCT Rules 13.1 and 13.2. According to the Examiner, the claim groupings allegedly lack the same or corresponding technical features because each group is characterized by a different contribution that each invention within that group, considered as a whole, makes over the prior art. A common technical feature, “*at least one optical fiber connected to the susceptor so that radiation from the bottom side of the wafer can be monitored (claim 1)*” is similar to “*receiving an optical signal from a backside of a wafer (claim 12)*.”

Applicant has reviewed the “Invitation to Pay Additional Fees (dated June 17, 2004) of Application No. PCT/IB2003/005447,” of published application WO 2004/053946 A36) hereinafter, “Invitation,” that corresponds to this national application. In agreement with the previous paragraph, the Invitation noted no issues with a “Lack of Unity of Invention” with respect to the pending claims (claims 1-14); the Invitation concurs with the “observance of this requirement is checked by the International Searching Authority and may be relevant to the national (or regional) phase. (MPEP §1850), Paragraph I.”

The Invitation (Page 2) indicates that claims 1-14 (“First Invention”) describe a “*Method and system for monitoring wafer temperature*” and claims 15-17 describe a “*Method for decreasing temperature differences between wafers with different patterns or different thickness.*” These two inventive concepts were parsed out.

For convenience, a copy of this Invitation is enclosed, and follows the Remarks/Arguments. The Invitation is cited in the included Information Disclosure Statement. These two groupings of claims were restricted out in the September 28, 2007 restriction requirement. Thus, there is no compelling argument presented in the Office Action for an additional restriction under these grounds.

In light of the arguments presented, Applicant requests that the Examination of claims 1-14 as a whole, continue.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account **50-4019**.

Respectfully submitted,

Date: 05-AUG-2008

By /Peter Zawilski/
Peter Zawilski, Reg. No. 43,305
(408) 474-9063

Correspondence Address:

Intellectual Property & Licensing
NXP, B.V.
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131 USA

CUSTOMER NUMBER: 65913